



Community Development Department

**BISMARCK BOARD OF ADJUSTMENT
MEETING AGENDA**

November 7, 2013

Tom Baker Meeting Room

4:00 p.m.

City-County Building

MINUTES

1. Consider the approval of the minutes of the October 3, 2013 meeting of the Board of Adjustment.

REQUESTS

2. **Variance from Section 14-04-03(a) of the City Code of Ordinances (R5-Residential District)(Rear Yard)** - 102 East Capitol Avenue (Lot 15 and the South 10 feet of Lot 16, Block 11, Replat of Homan Acres).
Londell Nissen is requesting a variance from the rear yard setback requirement along the north side of his property from twenty (20) feet to thirteen (13) feet in order to construct a 700 square foot (20'x35') accessory building.

OTHER BUSINESS

3. **Other.**

ADJOURNMENT

4. **Adjournment.** The next regular meeting date is scheduled for December 5, 2013.



**BISMARCK-BURLEIGH COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: 102 East Capitol Avenue –Variance (Rear Yard Setback) (Lot 15 and the South 10 feet of Lot 16, Block 11, Replat of Homan Acres)	
Status: Board of Adjustment	Date: November 7, 2013
Owner(s): Londell Nissen	Engineer: None
Reason for Request: Variance from Section 14-04-03(a) of the City Code of Ordinances (R5-Residential District)(Rear Yard) to reduce the required rear yard setback from twenty (20) feet to thirteen (13) feet along the north side of the property in order to construct a 700 square foot (20' x 35') accessory building.	
Location: The property is located at the northeast intersection of East Capitol Avenue and Catherine Drive	
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> The applicant intends to remove the existing 144 square foot (12'x12') accessory building located on the property prior to constructing the proposed 700 square foot (20'x35') accessory building. Section 14-04-03(6) of the City Code of Ordinances (R5-Residential District)(Lot Coverage) states, "the ground area occupied by the principal and accessory buildings shall not exceed thirty (30) percent of the total area of the lot." According to the site plan submitted with the application the proposed variance is over the allowed lot coverage by twenty-eight (28) square feet. However, prior to formally requesting the proposed variance, former Building Official Ray Ziegler administratively approved the lot coverage overage via email to the applicant; said email is attached. 	
APPLICABLE PROVISION(S) OF ZONING ORDINANCE:	
<ol style="list-style-type: none"> Section 14-02-03 of the City Code of Ordinances (Definitions) defines a variance as, "A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or desire to increase the financial return." Section 14-02-03 of the City Code of Ordinances (Definitions) defines an accessory building as, "A subordinate building or structure, the use of which is customarily incidental to that of the principal building on the same lot." Section 14-04-03(9) of the City Code of Ordinances (R5-Residential District)(Rear Yard) states, "Each lot shall have a rear yard not less than twenty (20) feet in depth." 	
FINDINGS:	
<ol style="list-style-type: none"> The need for a variance is not based on special circumstances or conditions unique to the specific parcel of land involved that are not generally applicable to other properties in this area and within the R5-Residential zoning classification. The hardship is not caused by the provisions of the Zoning Ordinance. 	
<i>(continued)</i>	

3. Strict application of the provisions of the Zoning Ordinance would not deprive the property owner of the reasonable use of the property.
4. The requested variance is not the minimum variance that would accomplish the relief sought by the applicant.
5. The granting of the variance is not in harmony with the general purposes and intent of the Zoning Ordinance.

RECOMMENDATION:

Staff recommends reviewing the above findings and modifying them as necessary to support the decision of the Board.

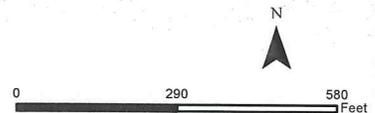
If granted, the variance must be put to use within 24 months or it shall lapse and the landowner must reapply.

Proposed Variance 102 East Capitol Avenue



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Map was Updated/Created: October 21, 2013 (hib)

Source: City of Bismarck

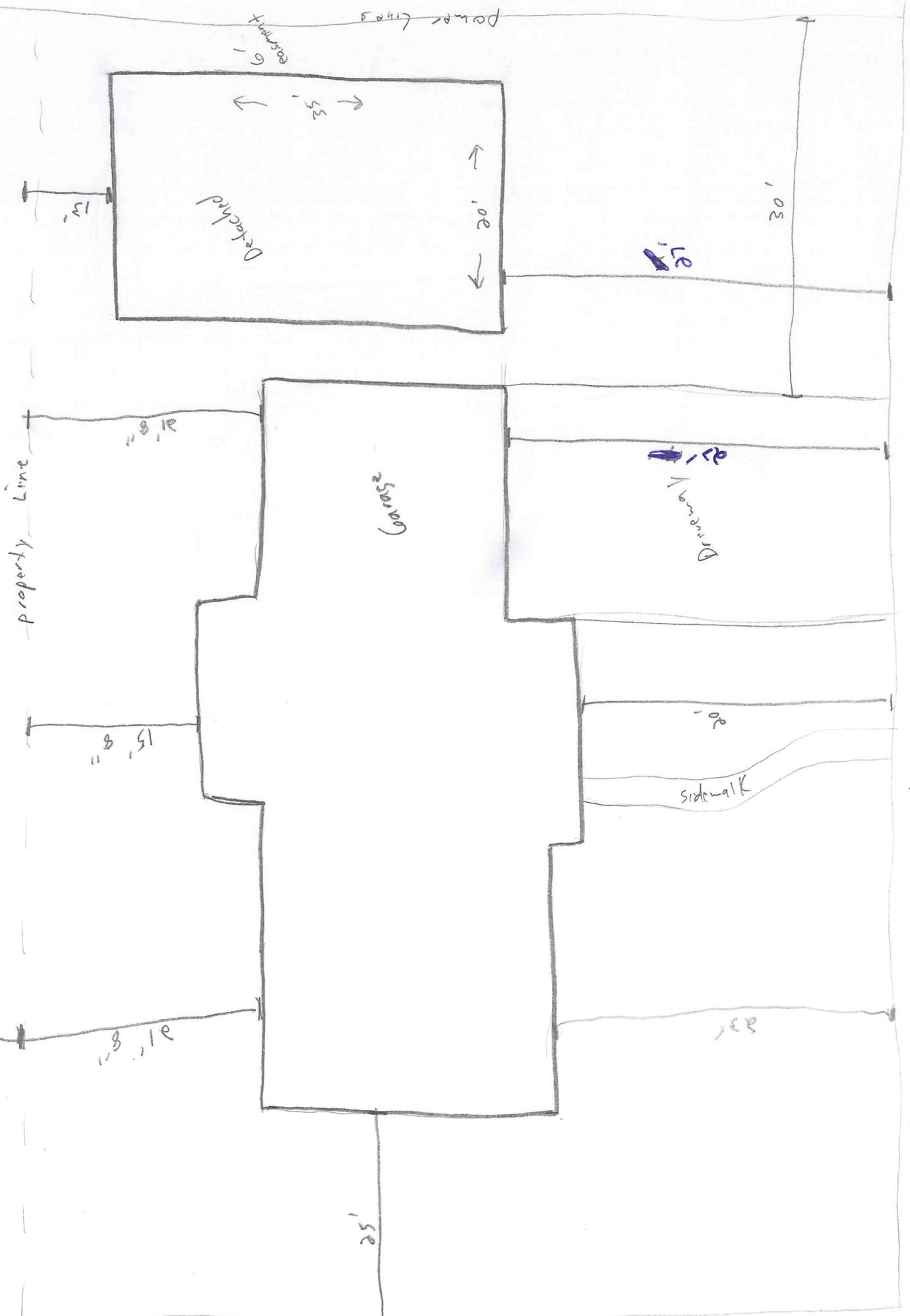


100' CITY LIMIT LINE

Neighbor

Driveway

Property Line



13'

108'

21'8"

15'8"

15'8"

15'0"

Sidewalk

N ↑

Sidewalk

30'

Power Lines

6' - 6"

Detached

Garage

Driveway 11'0"

sidewalk

20'

11'0"

CITY OF BISMARCK/ETA & BURLEIGH COUNTY APPLICATION FOR APPROVAL OF A VARIANCE WRITTEN STATEMENT

1. Property Address or Legal Description:

2. Location of Property: City of Bismarck ETA Burleigh County

3. Type of Variance Requested:

4. Applicable Zoning Ordinance Chapter/Section:

5. Describe how the strict application of the requirements of the Zoning Ordinance would limit the use of the property. (Only limitations due to physical or topographic features - such as an irregularly shaped, narrow, shallow or steep lot or other exceptional physical or topographic condition - that are unique characteristics and not applicable to other properties in the neighborhood are eligible for a variance. Variances cannot be granted on the basis of economic hardship or inconvenience.)

See attached letter

6. Describe how these limitations would deprive you of reasonable use of the land or building involved and result in unnecessary hardship.

See attached letter

7. Describe how the variance requested is the minimum variance necessary to allow reasonable use of the property.

see attached letter

Londell & Lori Nissen
102 East Capitol Ave
Bismarck, ND 58501
(701)-214-8158

City of Bismarck/ETA & Burleigh County Application for Approval of a Variance Written
Statement

5.

Our lot location is on the corner of Catherine Ave. and Capitol Ave. This lot has a shallower back yard than most lots. It also has a 6' easement on the East side. Other lots do not have this 6' easement. They have a standard 3' easement. Some lots are bigger which this size of garage would fit no problem. As you can see on my drawing the bump out on the North side of our home is 15'8" from the North property line. The detached garage will be 13' from the north property line. So I am asking for a 7' variance from the north property line. We are looking to add a detached garage instead of an attached garage due to cosmetic issues. Our home is all brick and to find brick to match is impossible. I checked with Hebron Brick already. For curb appeal a detached would look much better because we can have cement board or other siding that would look nice vs having a attached garage that is part brick and part siding due to not having matching brick. I had **Mike Smith (Bismarck Property Inspector)** over to our home and he thought this variance is one that should be accepted due to the size of area where the garage will be located and not interfering with any neighbors or easements, and plenty of space from property lines. He also agreed that the best is to have a detached due to curb appeal and cosmetics.

6.

This request is not just a want, but a need. Our lot has the room for this size of garage and with all the lawn & garden equipment in the existing shed that has to be removed. We will need the extra space for this equipment along with a vehicle. With kids becoming drivers we will need the garage space to get their vehicles off the street. We looked into selling our current home and buying a different home due to the size of the garage, but after exploring the current market homes are really overpriced. This would have put us in a financial bind. We can afford the cost of building a garage, but not buying an overpriced home. With adding this detached garage we will be staying in this home for many years to come.

7.

I am asking for this 7' easement which would suffice my 20x35 garage that was preapproved by Ray Ziegler. I first asked for a 20x40 garage, but was denied. I need this size of garage for storage of lawn & garden equipment along with a vehicle. We have 4 vehicles, camper, and a boat. We have the boat and car in our current garage, the van sits in the drive way or street along with daughters car, pickup is parked in neighbors garage, and camper sits on street in the summer. The neighbor where the pickup is stored is looking to sell her home. Then we will have another vehicle sitting outside. I don't like my stuff sitting outside and I know the city and neighbors don't like it either. This garage would eliminate this issue.

As you can see in the attached photos. We keep a neat residence and don't like things sitting around the outside of our home. This detached 20x35 garage would help tremendously keeping things inside rather than outside. I also attached photos of a neighbors home down the street who has a detached garage. I can assure you this detached garage does not meet the required setbacks especially the north property line. Ours will look a lot neater and will not look as cramped and cluttered as theirs does. I think it means a lot that Mike Smith (Bismarck building inspector) agrees with me. I know he has been doing this for quite some time!!

Thank you for taking the time to review my case and hopefully it gets approved!!!

Sincerely,
Londell & Lori Nissen

**EXCERPTS FROM BISMARCK ZONING ORDINANCE
RELATING TO VARIANCES
(City of Bismarck & ETA Requests)**

14-02-03. Definitions. The following definitions represent the meanings of terms as they are used in these regulations:

Variance: A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to increase the financial return.

14-06-02. Powers and Duties.

* * * * *

2. Variances. On appeal from an order, requirement, decision or determination made by an administrative official, the board of adjustment may vary or adjust the strict application of any of the requirements of this article in the case of an exceptionally irregular, narrow, shallow or steep lot or other exceptional physical or topographical condition, by reason of which the strict application of the provisions of the article would result in unnecessary hardship that would deprive the owner of a reasonable use of the land or building involved, but in no other case.

No adjustment in the strict application of any provisions of this article shall be granted by the board of adjustment unless it finds:

- a. That there are special circumstances or conditions, fully described in the findings of the board, applying to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or building, and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant taken subsequent to the adoption of this article, whether in violation of the provisions of the article, or not.
- b. That, for reasons fully set forth in the findings of the board, the circumstances or conditions so found are such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of said land or building, and the granting of the variances is necessary for the reasonable use of the land or building, and that the variance as granted by the board is the minimum variance that will accomplish the relief sought by the applicant.
- c. That the grant of the variance will be in harmony with the general purposes and intent of this article, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- d. A variance granted under this chapter must be put into use within 24 months of the granting of the variance or it shall lapse and the landowner must reapply.

North Neighbor Joe & Linda Schmit

I am well aware of my neighbor Londell & Lori Nissen building a detached garage that will be over the 20' setback of their north property line that separates our property from theirs. I have no issues with this building, location, or size of the garage.

Signature: Joe Schmit

Date: 10/20/13

East Neighbor Tom & Ruth Kloster

I am well aware of my neighbor Londell & Lori Nissen building a detached garage that will be on the East side of their existing garage. I have no issue on the location or size of the building.

Signature: Tom Kloster

Date: 10/26/13

Bismarck

CITY OF BISMARCK
BUILDING DIVISION
221 N 5TH ST
BISMARCK, ND 58506-5503
PH (701) 355-1465

CITY OF BISMARCK / ETA & BURLEIGH COUNTY ADMINISTRATIVE VARIANCE APPLICATION



RECEIVED DATE:

CONTACT INFORMATION:

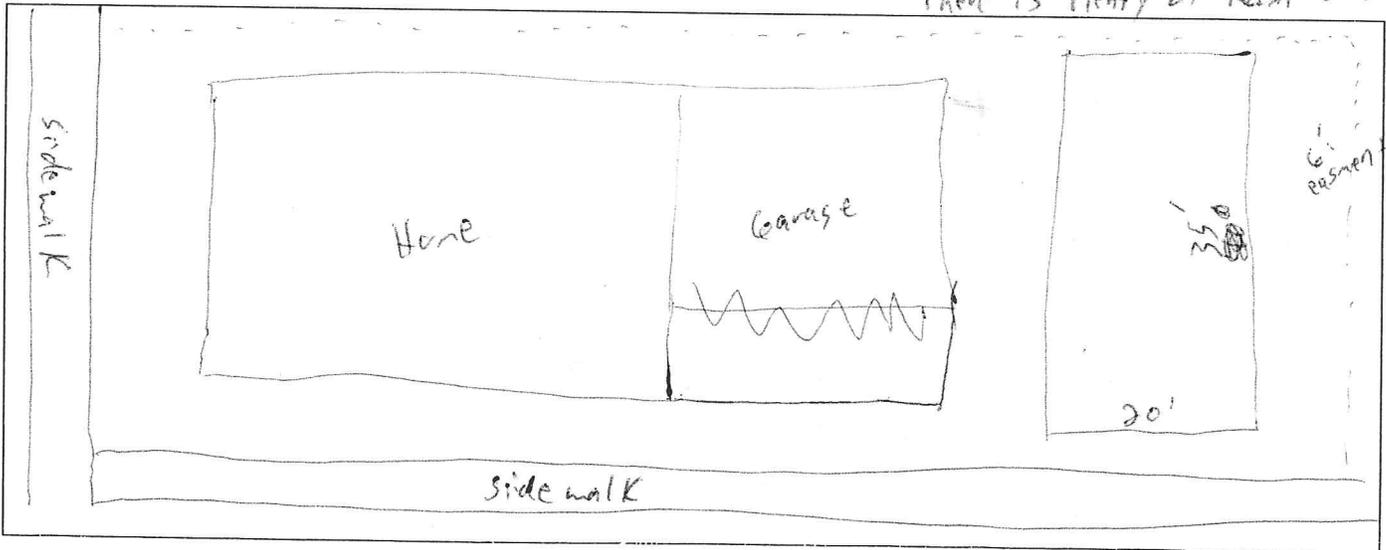
- 1. Name: Landell & Lori Nissen
- 2. Phone Number: [REDACTED]
- 3. Property Address: 102 East Capital Ave Bismarck, N.D. 58501
- 4. Location of Property: City of Bismarck ETA Burleigh Country

5 Reason for variance

Need to Build a detached garage due to current Garage being too small, I like to keep all my vehicles inside the garage, we now have a boat and want that inside as well. Things parked on street are eye sores, IF I Remove my shed the 600 sq ft left to build garage is too small to store ~~shed~~ lawn tools & mowers with Boat.

6. In the space below, please draw your lot, all existing buildings located on your lot and the proposed structure. Include dimensions of buildings, distance between buildings and your property lines.

There is plenty of room for this building



* the new Garage would go Back as far as the current shed is, please consider this, we are planning on Living here forever!! It is only an additional 128 sq ft. That is needed very bad!!

Brady,

If I could have buildings with a 14' setback on North Property Line, I have plenty of room on the south side so where buildings could be brought forward enough to meet the 20' set back, but that would look horrible.

The shed in the back will be removed also.

I want more garage space & don't want to move. I also want my vehicles & tree vehicles off the street, they are an eye sore for all.

Thank you.

Landell Mission

PS Ray OK'd the 20x35 side VIA Email I sent you

7. Your application has been reviewed. It has been:

Approved

Reviewed By:

FRAN BLASKOWSK

Denied

Date:

8. Reason for denial:

GARAGE MUST MAINTAIN THE SAME SETBACK
AS THE PRINCIPLE BUILDING BECAUSE IT IS NOT 10'
FROM THE PRINCIPLE BUILDING. 25' FRONT YARD REQUIRED.
E PROPERTY LINE, 7' UTILITY EASEMENT, 7' SIDE YARD REQUIRED.
20' REAR YARD REQUIRED.
NOTE: LOT COVERAGE VARIANCE GRANTED BY J22, SEE ATTACHED
E-MAIL.

Please make the corrections and resubmit the application

Please note that an application for a permit is deemed to be abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued. Therefore, supply us with the required plans at your earliest convenience.

Blaskowski, Brady V.

From: Londell Nissen <londell@cottinghaminsurance.com>
Sent: Thursday, September 12, 2013 1:36 PM
To: Blaskowski, Brady V.
Subject: Fwd: Variance Application

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: RE: Variance Application
From: "Ziegler, Ray J." <rjziegle@nd.gov>
To: Londell Nissen <londell@cottinghaminsurance.com>
CC:

When you make application with one of the staff upfront they will figure all of that out for you.

Ray Ziegler

Building Official
Zoning & Floodplain Administrator
Bismarck/Lincoln/Burleigh Co.

From: Londell Nissen [mailto:londell@cottinghaminsurance.com]
Sent: Wednesday, September 11, 2013 12:37 PM
To: Ziegler, Ray J.
Subject: RE: Variance Application

Good afternoon Ray!!!

Sorry to bug you on this again, but have another question.

This 20x35 garage size is approved for the location I described. Is that with the setback requirements & Easements on the lot?

Thank You,

Londell Nissen
Cottingham Insurance
810 East Divide Ave
Bismarck, ND 58501

~~londell@cottinghaminsurance.com~~

~~office - (701)-323-9419~~

~~cell - (701)-214-8158~~

From: Ziegler, Ray J. [mailto:rziegle@nd.gov]
Sent: Thursday, September 05, 2013 4:14 PM
To: Londell Nissen
Subject: RE: Variance Application

I would recommend that you simply take out the permit and I will put on there that an expected start date will be in _____ whatever you decide.

Ray Ziegler
Building Official
Zoning & Floodplain Administrator
Bismarck/Lincoln/Burleigh Co.

From: Londell Nissen [mailto:londell@cottinghaminsurance.com]
Sent: Thursday, September 05, 2013 4:00 PM
To: Ziegler, Ray J.
Subject: RE: Variance Application

Ray

Great. I really didn't want to go through that appeal process. Could you send me some kind of approval letter?

Thank You,

Londell Nissen
Cottingham Insurance
810 East Divide Ave
Bismarck, ND 58501

~~londell@cottinghaminsurance.com~~

~~office - (701)-323-9419~~

~~cell - (701)-214-8158~~

From: Ziegler, Ray J. [mailto:rziegle@nd.gov]
Sent: Thursday, September 05, 2013 3:36 PM
To: Londell Nissen
Subject: RE: Variance Application

Yes that I can make work.

Ray Ziegler
Building Official
Zoning & Floodplain Administrator
Bismarck/Lincoln/Burleigh Co.

From: Londell Nissen [mailto:londell@cottinghaminsurance.com]

Sent: Thursday, September 05, 2013 1:21 PM

To: Ziegler, Ray J.

Subject: RE: Variance Application

Ray,

Sorry to keep bugging you on this, but would you allow a building 20x35? This would only be 28 sq ft above the allowed amount of 672.

Thank You,

Londell Nissen
Cottingham Insurance
810 East Divide Ave
Bismarck, ND 58501

londell@cottinghaminsurance.com

office - (701)-323-9419

cell - (701)-214-8158

From: Ziegler, Ray J. [mailto:rjziegle@nd.gov]

Sent: Thursday, September 05, 2013 8:56 AM

To: Londell Nissen

Subject: RE: Variance Application

Londell, this one will have to go through the Board of Adjustment, I will fill out my part and give it to Jenny over in planning, if you decide to go forward with applying for a variance you can contact her at 355-1845.

Ray Ziegler

Building Official

Zoning & Floodplain Administrator

Bismarck/Lincoln/Burleigh Co.

From: Londell Nissen [mailto:londell@cottinghaminsurance.com]

Sent: Wednesday, September 04, 2013 9:57 AM

To: Ziegler, Ray J.

Subject: Variance Application

Good Morning Ray,

I have attached a Variance application that I have completed. Not sure if it is ok to email this to you or if I am supposed to drop it off to you. It is a lot easier for me to email it.

The drawing isn't very good!!! I guess that is why I am not an artist!!

Let me know if you need an more information. We hopefully plan on building next fall. I am trying to get all my ducks in a row before getting estimates. We were going to build a new home or move, but after getting estimates on a new

home and the current market we have decided to stay where we are. The current garage is too small and don't want to park vehicles on the street.

Thank you for your time!!

Sincerely,

Londell Nissen
Cottingham Insurance
810 East Divide Ave
Bismarck, ND 58501

~~londell@cottinghaminsurance.com~~

~~office - (701)-323-9419~~

~~cell - (701)-214-8158~~





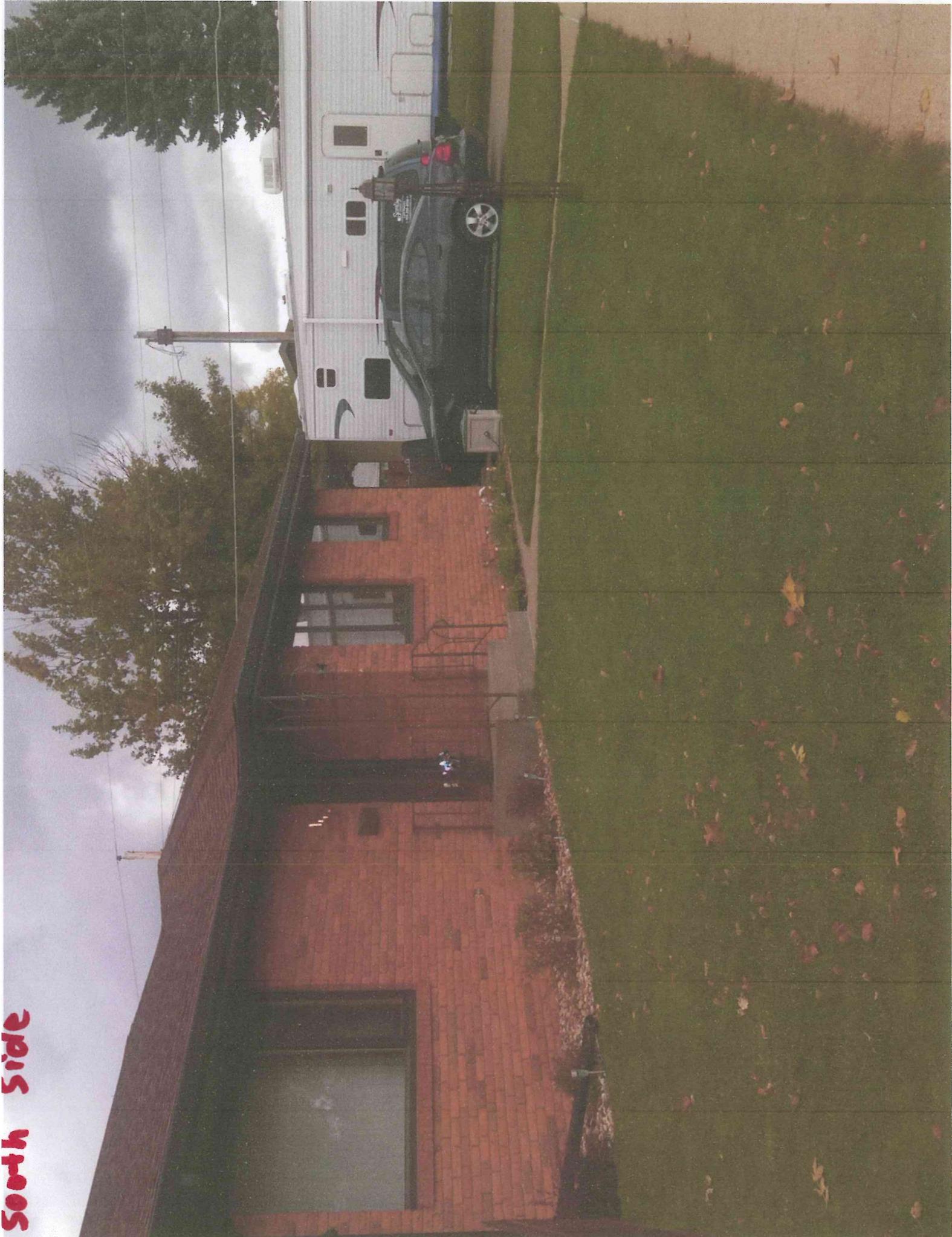
North Side



North Side



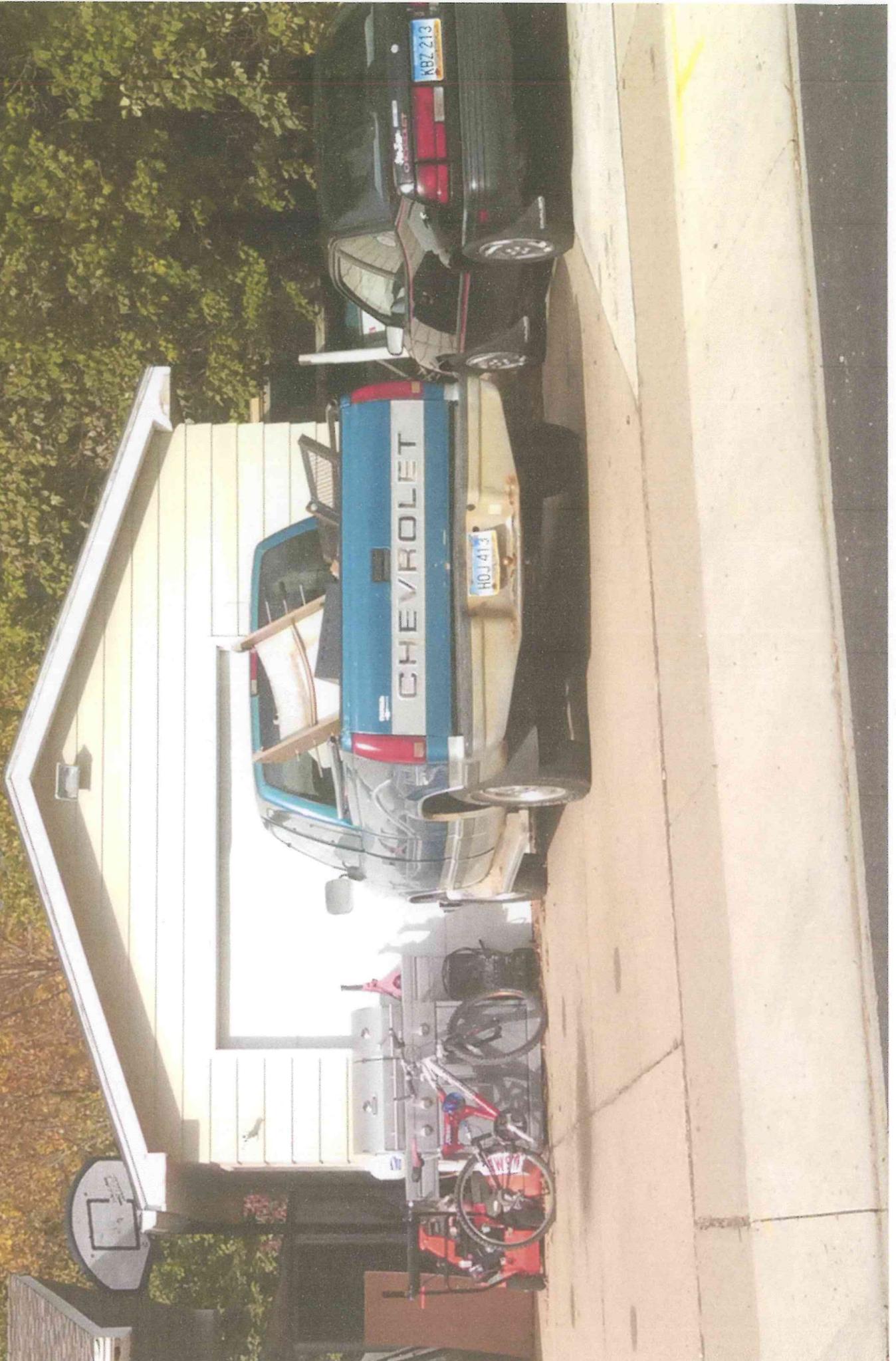
South Side



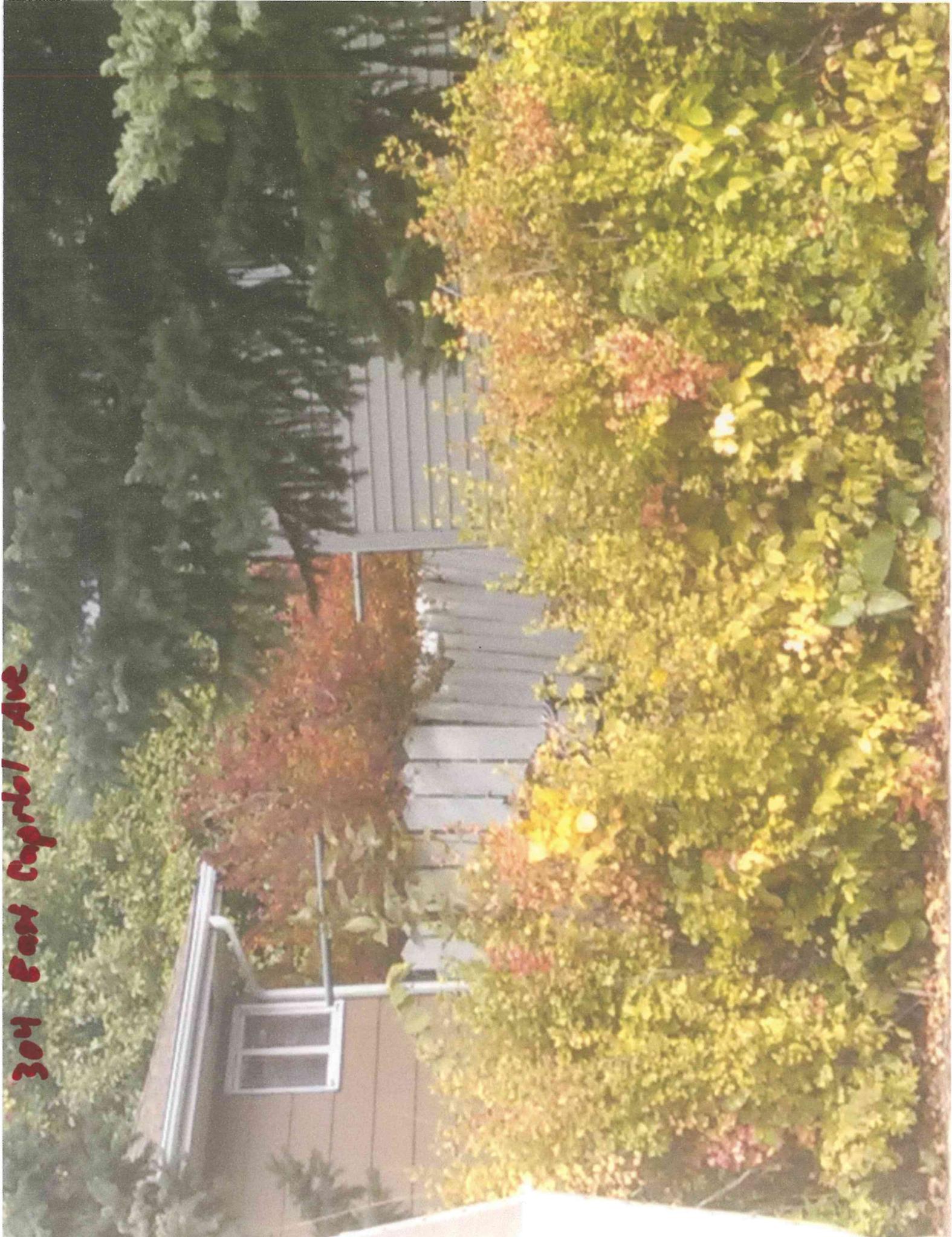


SALES 1543

309 East Capitol Ave



304 East Capitol Ave



**BISMARCK BOARD OF ADJUSTMENT
MEETING MINUTES
October 3, 2013**

The Bismarck Board of Adjustment met on October 3, 2013 at 4:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Marback presided.

Members present were Jennifer Clark, Ken Heier, Blair Ihmels, Jeff Ubl and Michael Marback.

Staff members present were Kim Lee – Planning Manager, Jenny Wollmuth – Planner and Hilary Balzum – Community Development Office Assistant.

Others present were Kathleen Nordquist, Don Nordquist, Corey Castleman, Katie Vasbinder, David Hagerutt, Jessie Szarkowski, Dan Szarkowski, John Grassel and Michael Gunsch.

MINUTES:

Chair Marback asked for consideration of the minutes of the September 5, 2013 meeting.

MOTION: A motion was made by Mr. Ubl and seconded by Ms. Clark to approve the minutes of the September 5, 2013 meeting as distributed. With Board Members Clark, Heier, Ihmels, Ubl and Marback voting in favor, the minutes were approved.

VARIANCE FROM SECTION 14-04-06(7) OF THE CITY CODE OF ORDINANCES (R10-RESIDENTIAL DISTRICT)(FRONT YARD) – 914 SOUTH 17TH STREET

Chairman Marback stated the applicant was requesting a variance from the front yard setback requirement along the east side of his property from twenty-five (25) feet to twenty (20) feet in order to construct a 5'x8' uncovered deck on the second level of a proposed duplex.

Dan Szarkowski said he has taken pictures and has the addresses of other decks in the neighborhood that go into the setback, adding that a variance is necessary if he is going to add a deck to each unit of the complex. He then said it will also add curb appeal to the property.

Ms. Clark asked if the other unit will have a deck. Mr. Szarkowski replied that it will but it will be on the south side and will not be in the setback.

Ms. Clark then asked if it is an option to put the deck on the north side of the building instead. Mr. Szarkowski replied that it is possible but then it will be a very small distance from the neighboring house.

MOTION: A motion was made by Mr. Ihmels to approve the variance from the front yard setback requirement along the east side of the property from twenty-five (25)

feet to twenty (20) feet in order to construct a 5'x8' uncovered deck on the second level of a proposed duplex. . The motion was seconded by Mr. Ubl and was unanimously approved with Board Members Clark, Heier, Ihmels, Ubl and Marback voting in favor.

VARIANCE FROM SECTION 14-04-03(8) OF THE CITY CODE OF ORDINANCES (R5-RESIDENTIAL)(SIDE YARD) – 3312 DEVON PLACE

Chairman Marback stated the applicant was requesting a variance from the side yard setback requirement along the west side of his property from ten (10) feet to six (6) feet in order to construct a single-family dwelling.

Chairman Marback asked Mr. Lang, the applicant's contractor, what would the size of the rear yard be if the house was moved back further to the north. Mr. Lang said there would only be twenty-five (25) feet left.

Ms. Clark asked how many square feet the house is. Mr. Lang said it is 1700 square feet.

Don Nordquist said he lives at 3318 Devon Place and he is opposed to the variance. He said the lot itself would require a specially designed home, the plans are for the home to be too large to fit on the lot and also that doing so would decrease his home value. He then said Mr. Lang needs to move the house back on the lot and reduce its size.

John Grassel lives at 3326 Devon Place and he said he is also opposed to this request and thinks a larger front yard would look better and would be more suitable for the neighborhood.

Kathleen Nordquist also lives at 3318 Devon Place and she said most of the houses are set further back and one sticking further out would look odd.

Mr. Lang said if his request does not pass, he would be allowed by ordinance to move the garage along the east side of the property so that the east side yard is larger (11 feet) and reduce the side yard to six feet, and still be conforming.

Mr. Ihmels asked Mr. Nordquist what the setback is on his house. Mr. Nordquist guessed it is around 50 feet.

Mr. Ubl said it will take some work and creativity to make the required setback work, but it can be done with the current setback requirement.

MOTION: A motion was made by Mr. Ubl to deny the variance to reduce the side yard setback requirement along the west side of his property from ten (10) feet to six (6) feet in order to construct a single-family dwelling. The motion was seconded by Mr. Heier. With Board Members Clark, Heier, Ihmels, Ubl and Marback voting in favor of the motion, the motion was approved and the variance request was denied.

Chairman Marback informed the applicant, Mr. Lang, that he could appeal the decision to the City Commission if he chose to do so.

**VARIANCE FROM SECTION 14-03-10(h) OF THE CITY CODE OF ORDINANCES
(OFF-STREET PARKING)(RETAIL ESTABLISHMENTS) – 411 FRAINE
BARRACKS ROAD (Part of Block 2, River Heights Addition)**

Chairman Marback stated the applicant was requesting a variance from the off-street parking requirements for retail facilities to reduce the required off-street parking spaces to 27 spaces on the existing site to allow for the re-adaptive use of the existing building (Hanson's Furniture) for Epic Sports.

Michael Gunsch, Houston Engineering, submitted Exhibit A. He went on to explain that he has discussed with City Engineer Mel Bullinger things that might work including an encroachment agreement. He also said they are willing to accommodate the landscape buffer but then they might run into issues with vehicles having to back through the entire parking lot as well as safety issues.

Chairman Marback asked if the parking lot project will be in phases. Mr. Gunsch said the east portion will be done right away but the west portion, because of weather and timing, will be completed next year. He went on to say the interior building work needs to be done first.

Mr. Ihmels asked what the access point will be for Boneshaker Coffee. Mr. Gunsch explained that there will be two entrances to the building, one on the east side and one on the west side. He added that the total area in between has been modified for the total number of potential patrons. He said they have also contemplated moving the handicapped parking spaces to one side of the building.

David Hegrot occupies a neighboring property and he said his only questions are regarding what kind of parking will be on the west side of the building, as well as how parking congestion will be handled when snow removal is required. He said he thinks the entire concept is a great idea and he thinks it is a nice challenge to take on.

MOTION: A motion was made by Mr. Ubl to approve the variance request to reduce the required off-street parking spaces to 27 spaces on the existing site to allow for the re-adaptive use of the existing building (Hanson's Furniture) for Epic Sports. The motion was seconded by Mr. Ihmels, and unanimously approved with Board Members Clark, Heier, Ihmels, Ubl and Marback voting in favor of the motion.

Secretary's Note: Mr. Ubl removed himself from the Board at this time.

**VARIANCE FROM SECTION 14-03-10(g) OF THE CITY CODE OF ORDINANCES
(OFF-STREET PARKING AND LOADING)(PLACES OF PUBLIC ASSEMBLY) –
1603 EAST MAIN AVENUE**

Chair Marback stated the applicant was requesting a variance from the off-street parking requirements for places of public assembly to reduce the required off-street parking spaces on the existing site to allow for the re-adaptive use of the existing building (Sweetheart Bakery) for Sixteen03 Main Events Center.

Katie Vasbinder, Ubl Design Group, explained to the Board that the existing building was an industrial use with industrial use parking requirement. She said the building has been added on to multiple times for events with storage for the building and a large kitchen. She said they have met with Planning staff as well as Brady Blaskowski, Acting Building Official, have discussed a lease agreement with the BNSF Railroad to increase parking, and plan to demolish two other buildings on the property to increase parking. She went on to explain that the building is in need of a sprinkler system as well as other upgrade work.

Mr. Ihmels asked Ms. Vasbinder to elaborate on the railroad agreement. She explained that there is a lease agreement between the railroad and the property owner but it must be in place for at least three years before property can be acquired from the railroad. It is, however, included in the total number of parking spaces.

Ms. Lee said Mr. Blaskowski is comfortable with the new proposed parking numbers.

MOTION: A motion was made by Mr. Ihmels to approve the variance request from the required off-street parking requirements on the existing site to allow for the re-adaptive use of the existing building (Sweet Heart Bakery) for Sixteen03 Main Events Center. The motion was seconded by Ms. Clark, and unanimously approved with Board Members Clark, Heier, Ihmels, Ubl and Marback voting in favor of the motion.

Secretary's Note: Mr. Ubl returned to the Board at this time.

OTHER BUSINESS

Chairman Marback requested that the Board members be allowed parking in the City parking lot during meetings. Ms. Wollmuth said she would visit with Keith Hunke, Assistant City Administrator, regarding this request and let them know what she finds out at the next meeting.

ADJOURNMENT

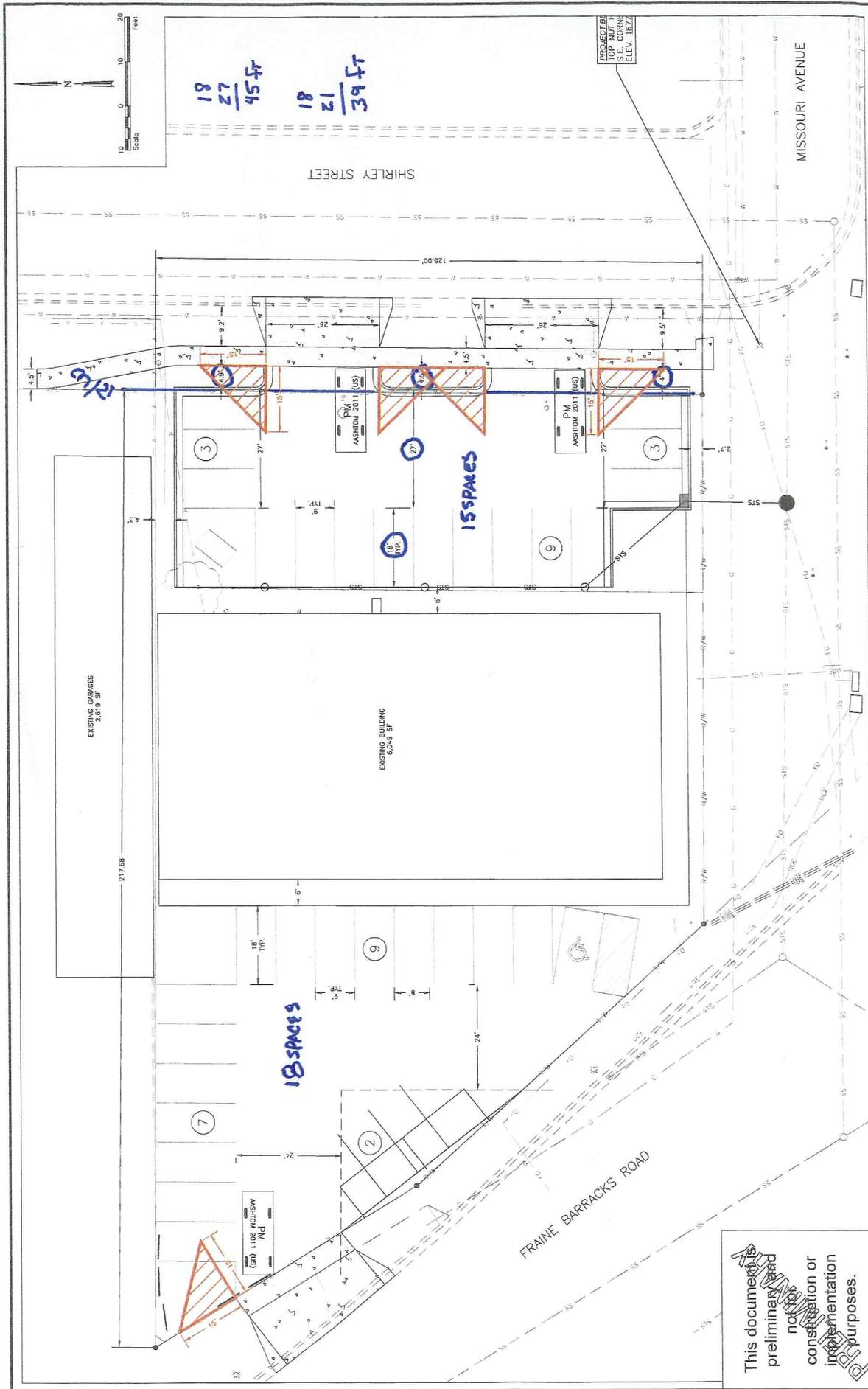
There being no further business, Chairman Marback declared the meeting of the Bismarck Board of Adjustment adjourned at 4:54 p.m. to meet again on Thursday, November 7, 2013.

Respectfully Submitted,

Hilary Balzum
Recording Secretary

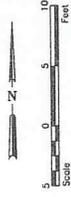
APPROVED:

Michael Marback, Chairman

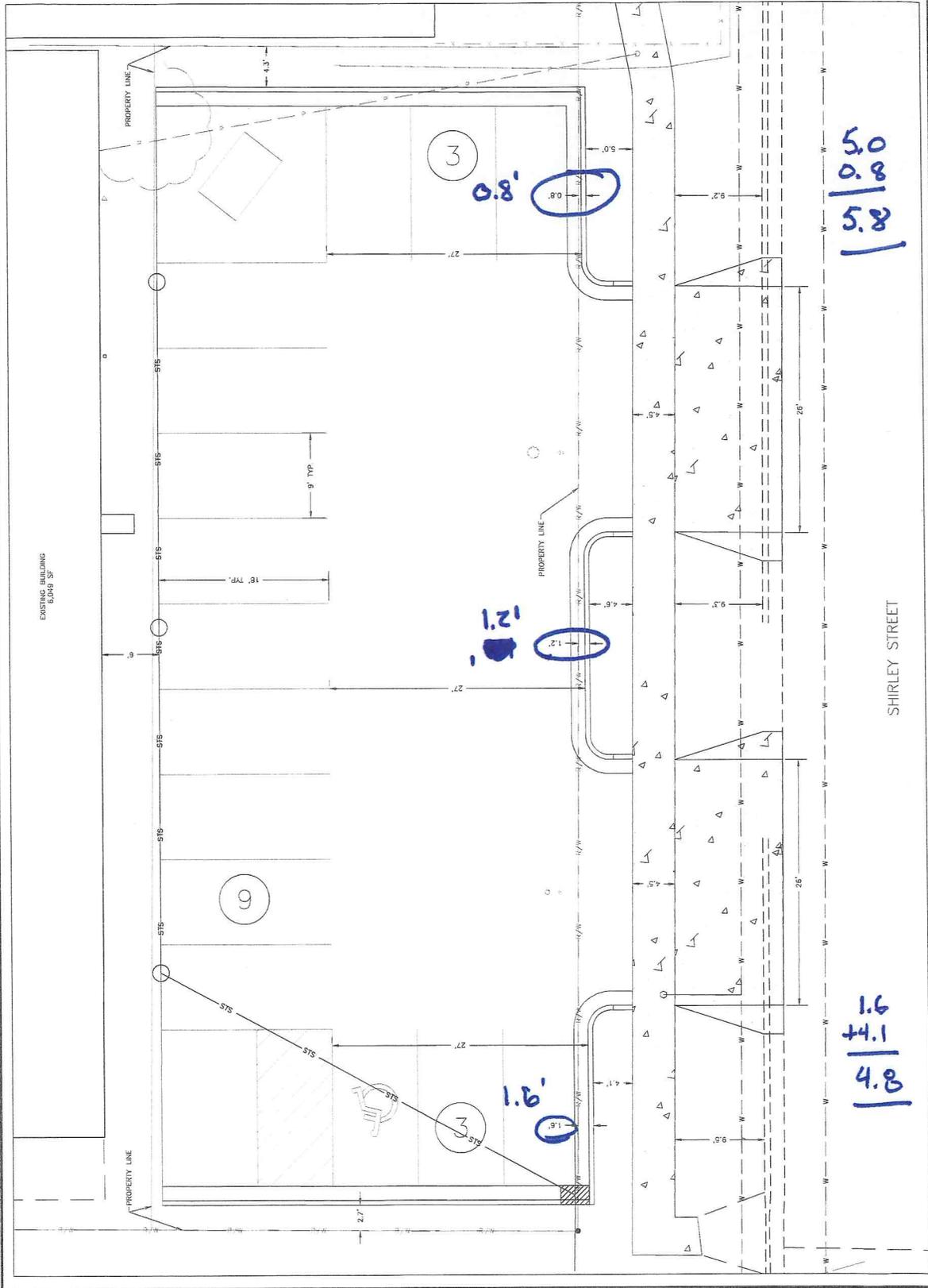


SHEET		CONCEPT 5	
2 OF 3		SIGHT TRIANGLE	
PROJECT NO. 7880-001		PROJECT NO. 7880-001	
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Bismarck			
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CONCEPT 5
ENCROACHMENT
PROJECT NO. 7880-001

SHIRLEY STREET

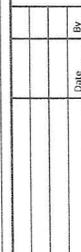
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9-18-13

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3 OF 3

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